



ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:** August 20, 2008

**NAME & NUMBER
OF PROJECT:** Grace Lane Office Building / SP-2007-0552D

**NAME OF APPLICANT
OR ORGANIZATION:** Conley Engineering
(Carl Conley 328-3506)

LOCATION: 317 Grace Lane at Bee Caves Road (RR2244)

PROJECT FILING DATE: September 27, 2007

**WPDR/ENVIRONMENTAL
STAFF:** Brad Jackson, 974-3410
brad.jackson@ci.austin.tx.us

**WPDR/
CASE MANAGER:** Chris Yanez, 974-1810
chris.yanez@ci.austin.tx.us

WATERSHED: Barton Creek (Barton Springs Zone)
Drinking Water Protection Zone

ORDINANCE: Comprehensive Watershed Ordinance (current Code)

REQUEST: Variance request is as follows:
1. To allow cut/fill over 4 feet. (LDC Section 25-8-341/342).

STAFF RECOMMENDATION: Recommended.

**REASONS FOR
RECOMMENDATION:** Findings-of-fact have been met.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Brad Jackson, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: August 20, 2008

SUBJECT: Grace Lane Office Building (SP-2007-0552D)
Bee Caves Road (RR 2244) and Grace Lane.

Variance Request: Variance from LDC 25-8-341 and 342 to allow cut up to 11 feet and fill up to 14 feet for construction of a driveway.

The applicant is proposing a 3-story office building positioned over an additional 3-stories of underground parking on approximately 11.36 acres. The variance is needed for the driveway to access the building from Grace Lane. A variance to allow construction on slopes was granted through the final plat (C8-96-0015.1A and C8J-05-0265.0A) for accessing this lot from Grace Lane across slopes over 15%.

Description of Project Area

This 11.36 acre site (gross site area) is situated in Travis County, in the COA 2-mile ETJ. The site is in the Drinking Water Protection Zone and located within the Barton Creek Watershed, which is classified as the Barton Springs Zone. There is an unclassified creek running along the east side of the site, which has been channelized and is currently shown to contain the FEMA 100 year flood plain. The site is bounded by Bee Caves Road on the north side and Grace Lane on the west side. The only existing development on this site is a paved road 20 ft wide and 540 ft long, running north-south along the flatter area in the center of the site. The road totals 0.25 acres (10,800 sq.ft.) of impervious cover. Topographically, the site slopes to the east from a high point on the west side of approximately 890 feet to a low point of about 800 feet on the southeast corner. The proposed office building will have 1.42 acres of impervious cover, which is 18.37% of the net site area of 7.73 acres.

Vegetation

According to the Soil Survey of Travis County, the site contains Brackett soils, rolling (BID) mostly along the western and higher half of the site and Brackett soils and rock outcrop (BoF) along the eastern and lower half of the site. Brackett soils are described as shallow and well

drained soils that develop under a prairie of mid to tall grasses and some trees. The geology at this site is characterized by thin clay soils covering weathered limestone. The site vegetation consists of mostly cedar and juniper trees between 6 and 12 feet in height, along with some live oak, post oak and spanish (red) oak. There majority of trees onsite are scrubby cedar trees.

Critical Environmental Features/Endangered Species

There is one rimrock with a spring determined to be a critical environmental feature just about ten feet outside of the southern tip of the property line. The 150-foot setback for this feature extends 120 feet onto the lot, enclosing an area of about 300 feet. This setback is about 220 feet from the LOC of the project. This feature, along with 4 other rimrocks further downslope, were identified and delineated on the Rob Roy West Final Plat on April 23, 1999. These other features are located about 600, 900, 1200 and 1400 feet downstream from the property line of the Grace Lane project. All of the surface run-off at the Grace Lane site flows to a tributary of Barton Creek that follows the eastern property line. The tributary begins at Bee Caves Road and runs about 6000 feet until it reaches Barton Creek.

Water/Wastewater

The project will receive water service from the Travis County Water Control and Improvement District (TCWCID) No. 20. Wastewater will be treated and disposed on site.

Variance Requests

The variances being requested by this project are as follows:

1. Variance from City Code Section 25-8-341- Allowing cut greater than 4 feet but less than 11 feet, and 25-8-342- Allowing fill greater than 4 feet but less than 14 feet.

On September 26, 2007, the applicant requested a variance to LDC 25-8-341 and 342 for the construction of a driveway for access to their site. A variance to LDC 25-8-301 for construction on slopes greater than 15% was granted through the final plat C8-96-0015.1A for driveway access to the lot on which this site is to be built.

Similar Cases

There were no similar cases to be found in the Barton Creek Watershed. The following project in the Barton Springs Zone had a variance request from LDC 25-8-341/342 that was approved by the EV Board, and subsequently the Planning Commission.

Hilltop Park (SP-07-0101C) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The EV Board recommended approval on August 15, 2007 by a vote of 7-0-0-1, with the following conditions:

Staff conditions:

1. The applicant will plant 100% COA native and/or adaptive plants and trees;
2. A recorded restrictive covenant will preserve the natural area from development;

3. The applicant will provide a rainwater collection system for the commercial structures;
4. The applicant will provide staff with a signed copy of a Letter of Intent (to Austin Energy) that proposes a minimum 1 star rating for the commercial buildings;
5. Cut and fill is limited to a maximum of 11 feet.

Recommendations

Staff recommends granting the variance request because the findings of fact have been met. The applicant has proposed extensive revegetation and erosion controls for the fill.

Conditions

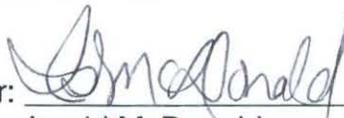
Staff recommends granting the variance with the following conditions:

- (1) The applicant will stabilize and restore the areas of fill with: 1.) City of Austin Standard 604s Seeding for Erosion Control and; 2.) provide native Class I or II Hill Country species trees planted 30 feet on center.
- (2) The applicant will provide enhanced erosion and sedimentation controls below the fill area to ensure all eroded sediments remain on site. The areas of fill will be completely encircled by a rockberm on the downhill side followed by silt fence. The slope will be covered with erosion matting until the revegetation is fully established.
- (3) The applicant will limit cut to 11 feet and fill to 14 feet.
- (4) All slopes created from fill material will be less than or equal to a 3:1 slope.

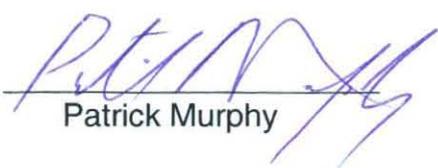
If you have any questions or need additional information, please feel free to contact me at 974-3410.

Brad Jackson, Senior Environmental Reviewer
Watershed Protection and Development Review

Environmental Program Coordinator:


Ingrid McDonald

Environmental Officer:


Patrick Murphy



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Grace Lane Office Building
Application Case No: SP-2007-0552D
Code Reference: Land Development Code Section 25-8-341 Cut Requirements & Section 25-8-342 Fill Requirements
Variance Request: To allow a cut of eleven (11) ft and allow a fill of fourteen (14) ft for drive way construction.

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes. The variance will not be providing a special privilege to the applicant. The site is situated at the corner of Bee Caves Road and Grace Lane. The building site is separated from Grace Lane by slopes of 15 – 35% in grade, requiring the driveway to the site from Grace Lane to cross steep slopes. Access to the site from Bee Caves Road (RR 2244) is prohibited by TxDOT.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes. The buildable area of the site is downslope from Grace Lane and access to that area is prohibited without construction of a driveway over a steep incline.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes. The location of the driveway will be over the less steep areas of the slope separating Grace Lane from the building site. The drive will run parallel to the slope for most of its length and incorporate nearly equal parts cut and fill to reach the building elevation. A maximum driveway grade of 14% is required for emergency vehicle access to the building, so the depth and extent of fill is dictated by this drive grade requirement.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes. The applicant has proposed a 3:1 slope of compacted limestone base, revegetated with a native grass mixture and native trees planted 30' on center. The applicant has utilized a retaining wall to reduce the footprint of the fill and erosion control matting will be placed on the slope to reduce the risk of erosion before the slope is adequately revegetated. In addition, the applicant will line the perimeter with a rockberm followed by a silt fence to create a barrier between the fill and the tributary downslope. A majority of the cut and fill will be upslope from the water quality catchment basin, which will further reduce the risk of sediment leaving the site.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes. A 3:1 slope, properly compacted and revegetated, will not pose a threat to water quality at the site. The proposed driveway location reduces the amount of impervious cover required for accessing the site than would be required if the drive entered from the adjacent property. It is requested that the applicant utilize extensive erosion control Best Management Practices (rock berms, erosion matting, silt fence) during the construction process to reduce the risk of sediment erosion before the slope is revegetated.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

Not applicable.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

Not applicable.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

Not applicable.

Reviewer Name: Brad Jackson

Reviewer Signature: _____

Date:

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



September 26, 2007

Ms. Victoria Li, Director
Watershed Protection and Development Review Department
City of Austin
P.O. Box 1088
Austin, Texas 78767-8818

**RE: Grace Lane Office Building
Cut/Fill Variance**

Dear Ms. Li,

As the engineer for the above referenced project, we are hereby requesting a variance to Sections 25-8-341 and 25-8-342 regarding cut/fill in excess of 4 feet.

The proposed project consists of a 3 story office building with 3 levels of underground parking. The building is located predominately on the flatter 0-15% slopes on the site.

Access to the property will be from a driveway connecting to Grace Lane. Driveway access to FM 2244 is prohibited by a plat note as required by TxDot. The Proposed access drive is designed to provide fire access with maximum slopes limited to 12-14%. This slope requirement results in a drive that will need cuts and fills in excess of the 4 foot allowable. Therefore, a variance will be requested as part of this application. The proposed plan calls for an earth embankment with 3:1 fill slopes and 1:1 cut slopes (in rock). There are only small trees (less than 8" caliper) consisting mainly of cedars in the areas shown. The proposed 3:1 slopes will allow for a better re-vegetation of the side slope with native grasses and additional trees/landscaping.

The need to cross slopes in excess of 15% to access the flatter portion of the site was identified as part of the subdivision plat process. Subsequently, a variance was approved to allow driveways to cross their steeper slopes.

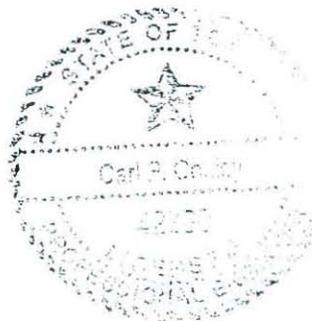
Please call me if you need any further information to assist you in the approval of this variance request.

Sincerely,

CONLEY ENGINEERING, INC.

Carl Conley, P.E., R.P.L.S.

CPC:lm



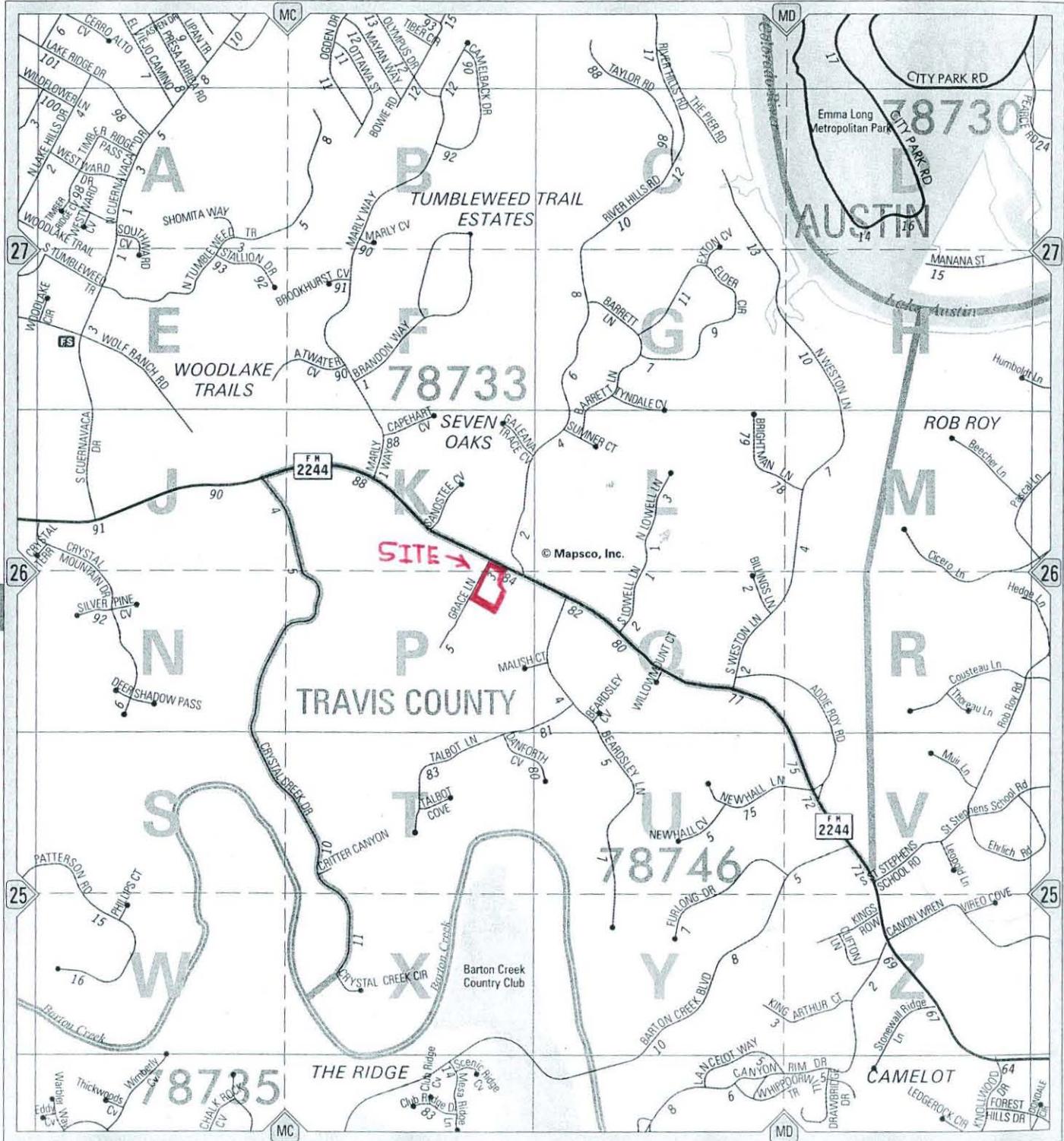
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Driving Directions to 317 Grace Lane

From One Texas Center, take Barton Springs Road west towards Mopac (Loop One). Barton Springs Road will curve left under Mopac and join the Mopac access road. From the Mopac access road, take Bee Caves Road (2244) west towards Loop 360 (Capital of Texas Highway), pass under Loop 360 and continue west past Barton Creek Blvd. Grace Lane is on the left after you pass Beardsley Lane. 317 Grace Lane is the first lot on the left at the intersection of Grace Lane and Bee Caves Road.



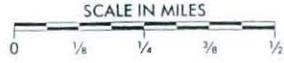
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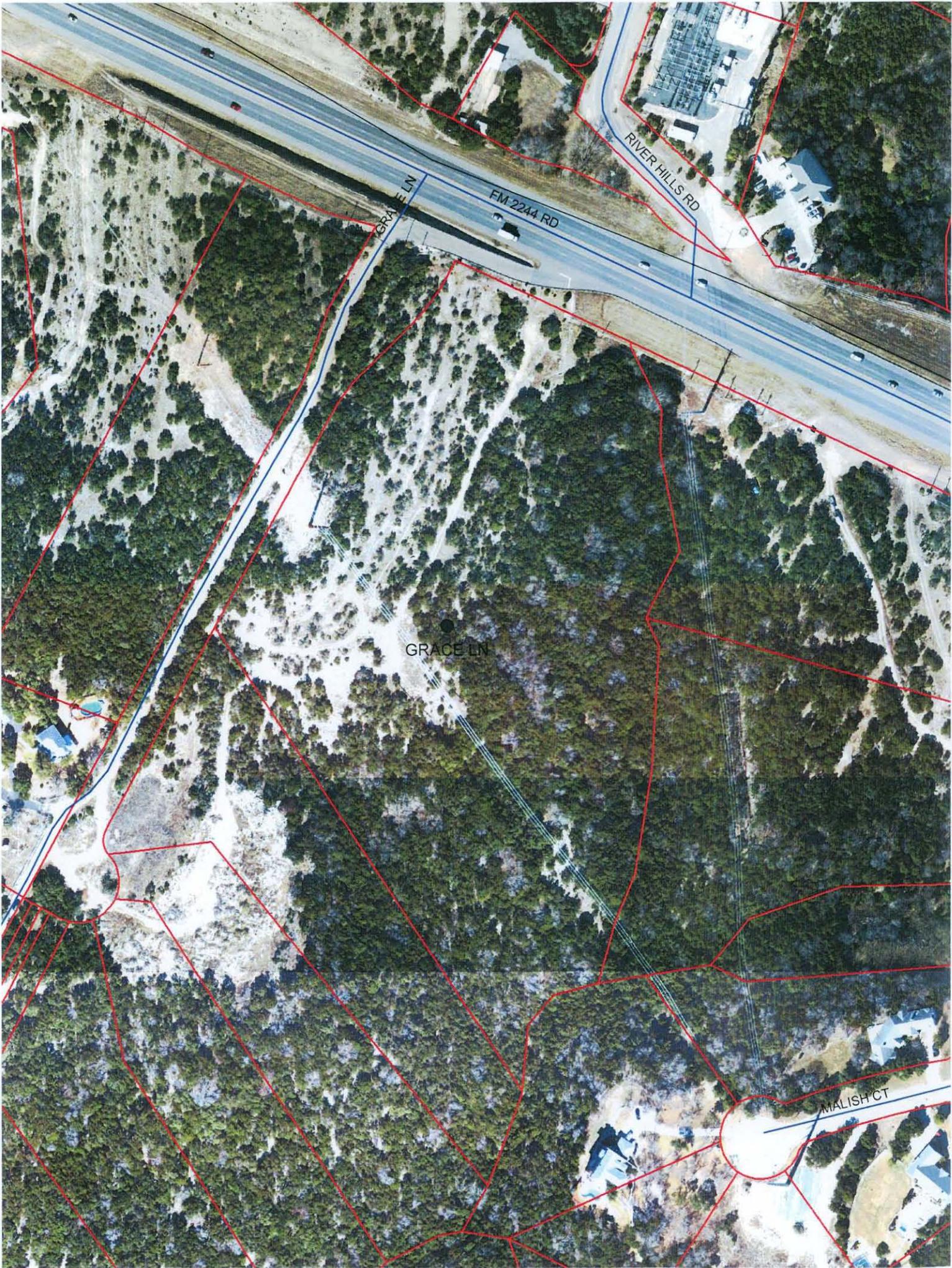
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June 28, 2008

Mr. Brad Jackson
Watershed Protection and Development Review Department
City of Austin
505 Barton Springs Road
Austin, Texas 78704

**RE: Grace Lane Office Park
SP-2007-0552D
Findings of Fact
(Appendix U-ECM)
Ordinance Standard: 25-8-341 and 25-8-342 (Cut/Fill)**

Dear Brad:

Please find listed below, the findings of fact for the requested cut/fill variance for the above referenced project.

1. *Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development?*

Yes, the property is bounded by Grace Lane and FM 2244. Access to FM 2244 was denied by TxDOT as part of the Preliminary Plan and Final Plat approval process. Access to Grace Lane is limited to crossing slopes up to 35%. This condition was also identified as part of the Preliminary Plan process and variances approved for crossing the steeper slopes with driveways to access the adjoining lots. The fill proposed for the driveway is necessary to achieve accessible grades for emergency vehicles. Fill associated with the water quality facilities is necessary to utilize the natural site topography while minimizing the removal of existing trees.

2. *Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences?*

Yes, the proposed fill areas are limited to the smallest areas possible in order to provide access to the site and the required water quality facilities. The proposed 3:1 slopes will allow for revegetation of the site to match the natural and traditional character of the site.

Mr. Brad Jackson
WPDR
June 28, 2008
Page 2 of 2

3. *The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land.*

Yes, the proposed fill is typical of the topography of western Travis County hill country. Without the proposed variance, the site would be virtually un-accessible.

4. *For a variance from the requirements for development within the Critical Water quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the entire property?*

No, development proposed for the Critical Water quality Zone and/or the Water Quality Transition Zone.

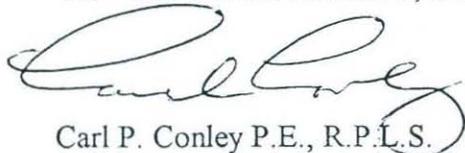
5. *For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?*

Yes, without the variances, access to the site would require additional impervious cover for additional access drive which would disturb more of the natural topography and vegetation on the site. The variances allow for the least amount of impact on the natural topography and vegetation for this site.

Please call me if you have any questions regarding this matter.

Sincerely,

CONLEY ENGINEERING, INC.

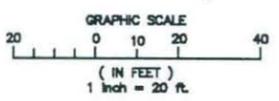
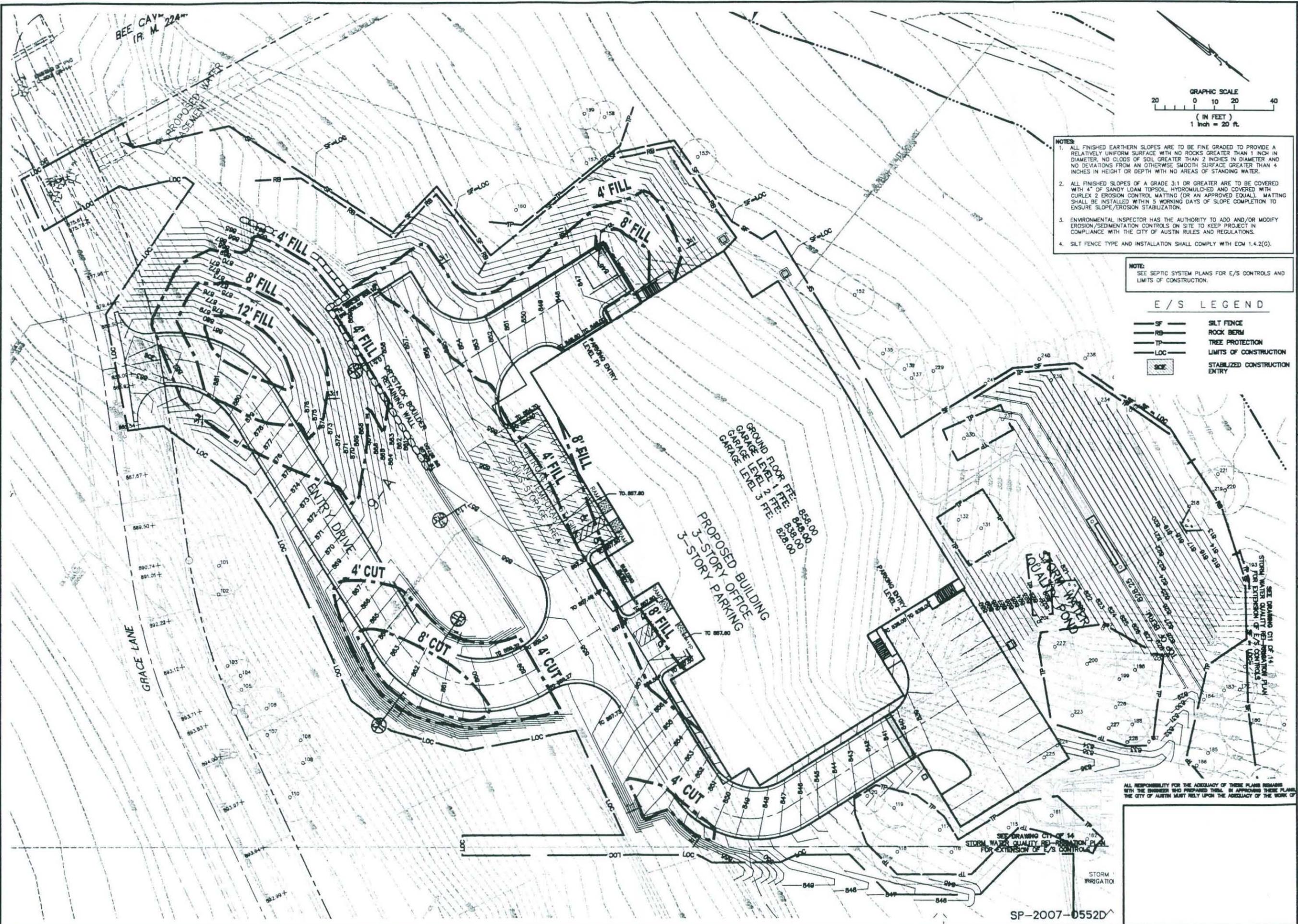


Carl P. Conley P.E., R.P.L.S.



CPC:kk

Cut/Fill Exhibit 1



- NOTES:**
1. ALL FINISHED EARTHEN SLOPES ARE TO BE FINE GRADED TO PROVIDE A RELATIVELY UNIFORM SURFACE WITH NO ROCKS GREATER THAN 1 INCH IN DIAMETER, NO CLODS OF SOIL GREATER THAN 2 INCHES IN DIAMETER AND NO DEVIATIONS FROM AN OTHERWISE SMOOTH SURFACE GREATER THAN 4 INCHES IN HEIGHT OR DEPTH WITH NO AREAS OF STANDING WATER.
 2. ALL FINISHED SLOPES OF A GRADE 3:1 OR GREATER ARE TO BE COVERED WITH 4" OF SANDY LOAM TOPSOIL, HYDROMULCHED AND COVERED WITH CURLEX 2 EROSION CONTROL MATTING (OR AN APPROVED EQUAL). MATTING SHALL BE INSTALLED WITHIN 5 WORKING DAYS OF SLOPE COMPLETION TO ENSURE SLOPE/EROSION STABILIZATION.
 3. ENVIRONMENTAL INSPECTOR HAS THE AUTHORITY TO ADD AND/OR MODIFY EROSION/SEDIMENTATION CONTROLS ON SITE TO KEEP PROJECT IN COMPLIANCE WITH THE CITY OF AUSTIN RULES AND REGULATIONS.
 4. SILT FENCE TYPE AND INSTALLATION SHALL COMPLY WITH ECM 1.4.2.(G).

NOTE:
SEE SEPTIC SYSTEM PLANS FOR E/S CONTROLS AND LIMITS OF CONSTRUCTION.

E/S LEGEND

- SILT FENCE
- ROCK BERM
- TREE PROTECTION
- LIMITS OF CONSTRUCTION
- STABILIZED CONSTRUCTION ENTRY

GROUND FLOOR FFE: 858.00
GARAGE LEVEL 1 FFE: 848.00
GARAGE LEVEL 2 FFE: 838.00
GARAGE LEVEL 3 FFE: 828.00

PROPOSED BUILDING
3-STORY OFFICE
3-STORY PARKING

SEE DRAWING CITY OF 14
STORM WATER QUALITY REDUCTION PLAN
FOR EXTENSION OF E/S CONTROLS

ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE ENGINEER WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ACCURACY OF THE WORK OF

SP-2007-0552D

CONLEY ENGINEERING INC.
Civil Engineers
Land Planners
Development Consultants
1301 South Capital of Texas Highway, Suite 230
P.O. Box 182713 Austin, Texas 78716-2713 (512)328-3006

REVISION BLOCK	DATE

GRADING PLAN & E/S CONTROL PLAN
GRACE LANE OFFICE BUILDING
317 GRACE LANE
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

SHEET
C08
14
8 OF 14


**Service Extension Request (Water)
Vaught Ranch Road (SER #2768)**

Item # 5a

1) Will future development be required to comply with current code?

Yes, future development will be required to comply with the Water Supply Suburban Watershed requirements for West Bull Creek.

2) Does the requested service result in more intense development than would be possible absent the service?

No, the applicant could drill a well to meet their water needs and therefore a water service would not result in more intense development, i.e. they could develop the site at 18% impervious cover with or without service from the city. It should be noted that prior to the extension of FM 2222's right-of-way that the applicant would not have had to make a service extension request from Austin's water utility.

3) Is the site in an area in which we are encouraging development?

The Vaught Ranch Road development is located in West Bull Creek, which is in the Drinking Water Protection Zone. Watershed regulations for this area can limit the intensity of a development but do not necessarily discourage development. Austin's Land Development Code does however provide financial incentives (cost reimbursement or participation) for water and wastewater infrastructure development in the Desired Development Zone, which in effect can encourage development in the DDZ.

4) Would centralized service solve known or potential environmental problems?

Yes, depending on local geologic conditions, centralized water service can limit groundwater contamination associated with poorly or improperly cased groundwater wells. Poorly or improperly cased wells may provide conduits for pollutants to enter groundwater.

5) Is serving the area consistent with long term service area and annexation goals?

Yes, the Vaught Ranch Road site could be annexed as early as 2009. SER applicants are required to request annexation from the City of Austin as a condition of service. According to staff in the Neighborhood Planning and Zoning Department the site is not slated for annexation in 2008; however, it could be annexed as early as 2009. At present, the site forms a doughnut hole: properties immediately to the north, east and west are either full or limited purpose annexation.

Service Extension Request (Wastewater) Vaught Ranch Road (#2769)

1) Will future development be required to comply with current code?

Yes, future development will be required to comply with the Water Supply Suburban Watershed requirements for West Bull Creek.

2) Does the requested service result in more intense development than would be possible absent the service?

No, the applicant could meet their wastewater needs using an onsite system and therefore wastewater service would not result in more intense development, i.e. they could develop the site at 18% impervious cover with or without service from the city.

3) Is the site in an area in which we are encouraging development?

The Vaught Ranch Road development is located in West Bull Creek, which is in the Drinking Water Protection Zone. Watershed regulations for this area can limit the intensity of a development but do not necessarily discourage development. Austin's Land Development Code does however provide financial incentives (cost reimbursement or participation) for water and wastewater infrastructure development in the Desired Development Zone, which in effect can encourage development in the DDZ.

4) Would centralized service solve known or potential environmental problems?

Yes, centralized wastewater service can limit surface or subsurface water contamination from poorly designed or maintained onsite systems.

5) Is serving the area consistent with long term service area and annexation goals?

Yes, the Vaught Ranch Road site could be annexed as early as 2009. SER applicants are required to request annexation from the City of Austin as a condition of service. According to staff in the Neighborhood Planning and Zoning Department the site is not slated for annexation in 2008; however, it could be annexed as early as 2009. At present, the site forms a doughnut hole: properties immediately to the north, east and west are either full or limited purpose annexation.



MEMORANDUM

TO: City of Austin Environmental Board Members

FROM: Pat Murphy, Assistant Director
City of Austin Environmental Officer
Watershed Protection and Development Review Department

DATE: July 31, 2008

SUBJECT: Vaught Ranch Road
Water and Wastewater Service Extension Request (SER #2768 & #2769)

After reviewing the applicant's request for water and wastewater service from the Austin Water Utility, we recommend granting the applicant's request for service. I have enclosed Austin Water Utility's water and wastewater service maps and staff's evaluation of the proposed extensions for your review. Staff will brief the board at next Wednesday's meeting and the applicant will be available to address your questions or comments. In the meantime, do not hesitate to call me or Robert Botto (974-2187) with your questions or comments.

Sincerely,

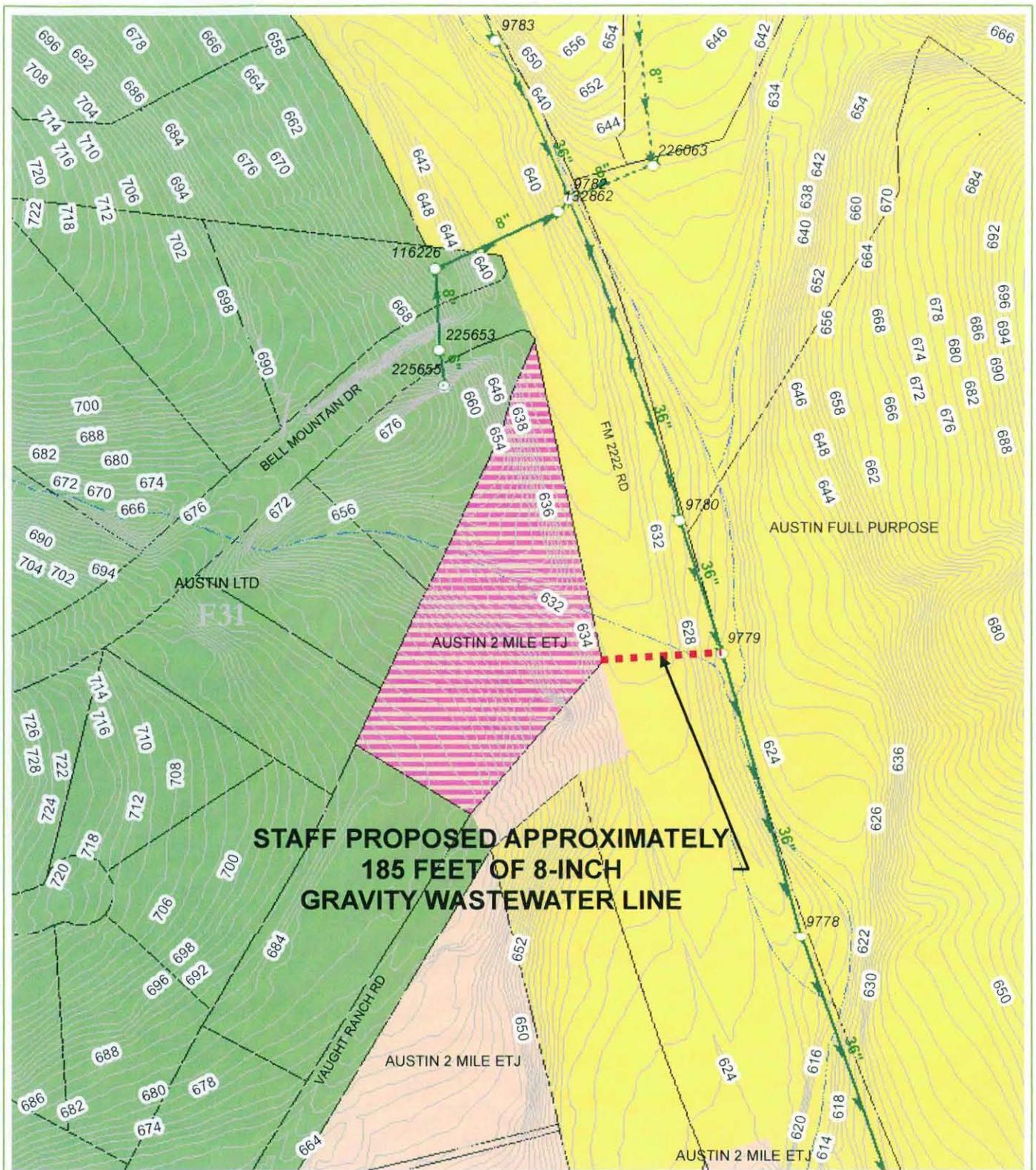
A handwritten signature in blue ink, appearing to read "Pat Murphy", is written over the typed name.

Pat Murphy
City of Austin Environmental Officer
Watershed Protection and Development Review Department

PM:rb

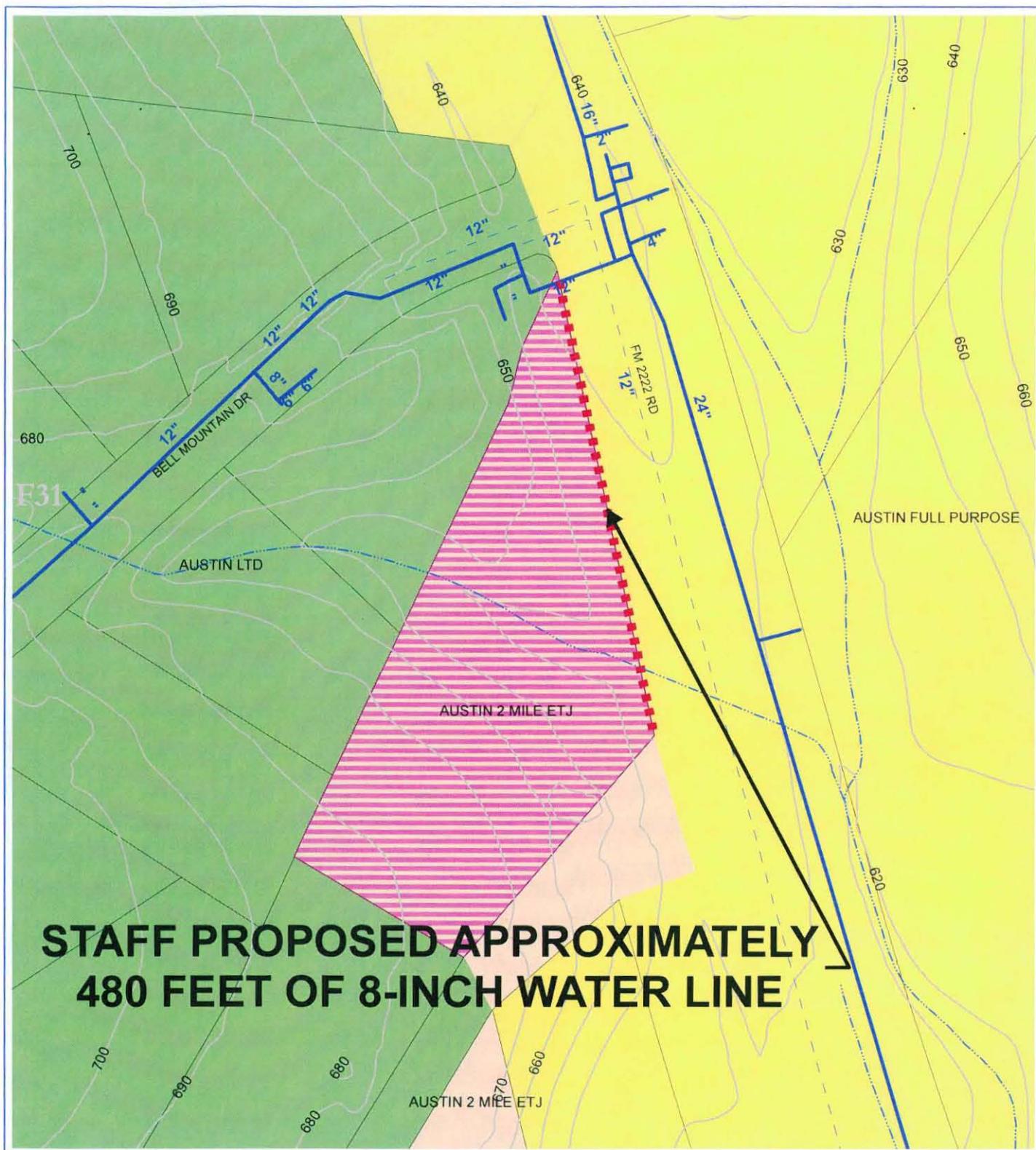
Attachments

cc: Austin Water Utility



-  Subject Tract
-  Full-Purpose City Limit
-  Limited-Purpose City Limit
-  2-MILE ETJ

W.W. S.E.R. Name: Vaught Ranch Rd Commercial
W.W. S.E.R. Number: 2769



**STAFF PROPOSED APPROXIMATELY
480 FEET OF 8-INCH WATER LINE**



W. S.E.R. Name: Vaught Ranch Rd Commercial
W. S.E.R. Number: 2768

-  **Subject Tract**
-  Full-Purpose City Limit
-  Limited-Purpose City Limit
-  2-Mile ETJ



MEMORANDUM

TO: Mr. David Anderson, Chair of the Environmental Board and Environmental Board members

FROM: Clark Patterson, Neighborhood Planning and Zoning Department

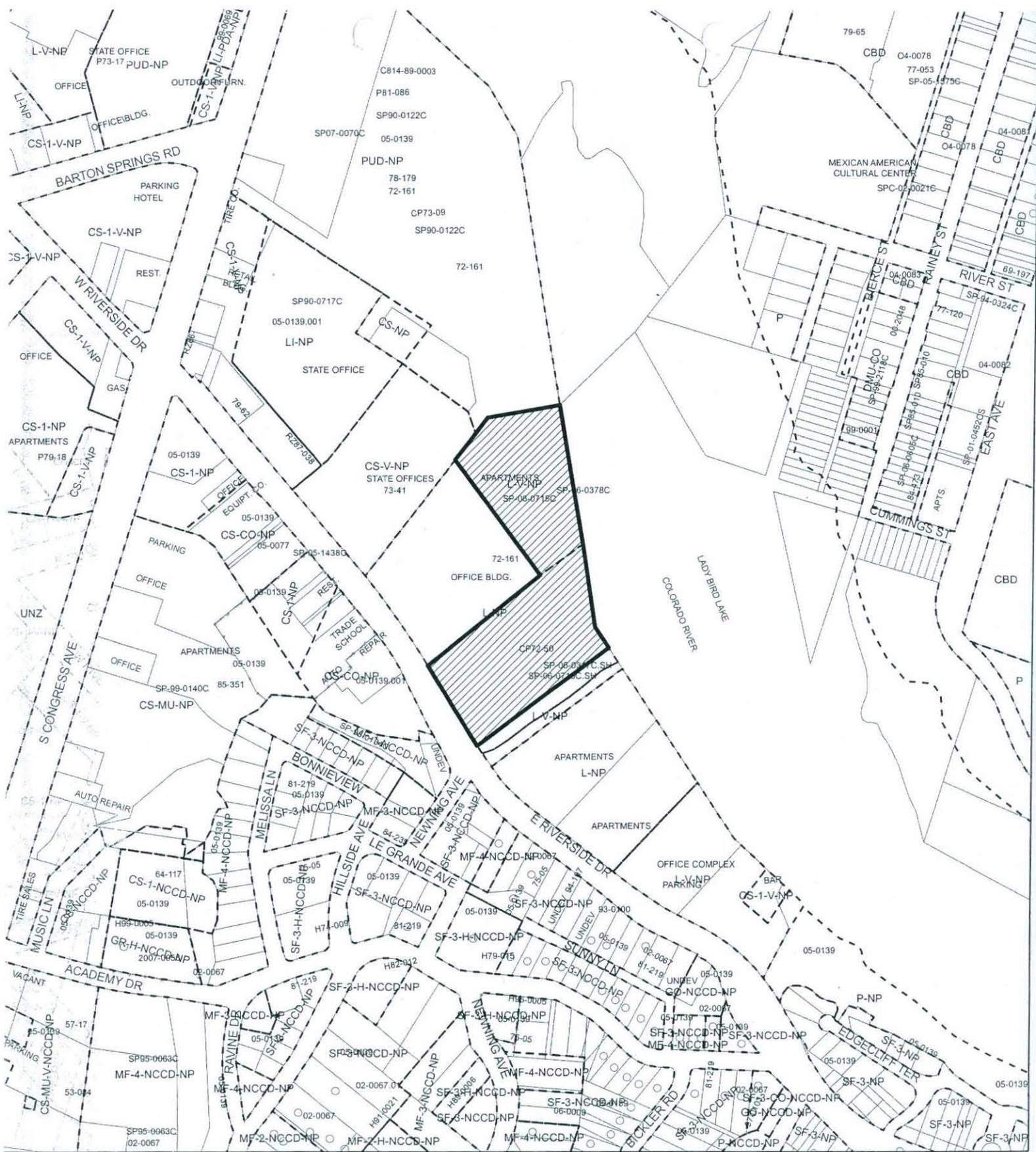
DATE: August, 12th, 2008

RE: East Riverside Planned Unit Development – C814-2008-0165

Staff received a rezoning application for the above-mentioned case July 29th, 2008. This Planned Unit Development (PUD) is being submitted after lengthy negotiations between the applicant, CWS Capital Partners, South River City Citizens and SaveTownLake.org in order to reach a compromise settlement that would allow the developer to maximize the sites development potential without encroaching into the Lady Bird Lake setback and developing to the maximum two hundred foot height allowed in the Lake zoning district. Some highlights from the settlement are outlined below:

- Reduces overall height from two hundred feet (200') to ninety six feet (96').
- Maintains the one hundred fifty foot (150') primary and fifty foot (50') setbacks from Lady Bird Lake. This will achieve an overall setback of two hundred feet (200') from Lady Bird Lake
- Imposes a thirty five foot (35') height limit in the secondary setback where there was not one before.
- Dedication of parkland and extension of the hike and bike trail along Lady Bird Lake.

The applicant is requesting modifications to Section 25-8-63 of the Land Development Code to allow underground parking with three feet of soil above it to not count as impervious cover. The Code allows underground parking with four feet of soil above it to not count as impervious cover. The applicant is also requesting a modification from the same Code section to allow traffic bearing grass or gravel as an emergency access route to not count as impervious cover. Staff recommendation is still pending at this time.



ZONING

-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

ZONING CASE#: **C814-2008-0165**
 ADDRESS: **222 E RIVERSIDE DR**
 SUBJECT AREA: **6.88 ACRES**
 GRID: **J21**
 MANAGER: **C. PATTERSON**

OPERATOR: **S. MEEKS**



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

South Shore Central



Legend

- Creeks & Drainage
- Primary
- Secondary
- COA Parks



§ 25-2-742 SOUTH SHORE CENTRAL SUBDISTRICT REGULATIONS

(A) This section applies in the South Shore Central subdistrict of the WO combining district.

(B) The primary setback lines are located:

- (1) 150 feet landward from the Town Lake shoreline;
- (2) 80 feet from the East Bouldin Creek centerline; and
- (3) 35 feet north of the northern public right-of-way boundary of

Riverside Drive.

(C) The secondary setback lines are located:

- (1) 50 feet landward from the primary setback line parallel to the Town Lake shoreline; and
- (2) 130 feet from the primary setback line parallel to the East Bouldin Creek centerline.

(D) This subsection applies to a nonresidential use in a building adjacent to park land adjoining Town Lake.

(1) For a ground level wall that is visible from park land or a public right-of-way that adjoins park land, at least 60 percent of the wall area that is between 2 and 10 feet above grade must be constructed of clear or lightly tinted glass. The glass must allow pedestrians a view of the interior of the building.

(2) Entryways or architectural detailing is required to break the continuity of nontransparent basewalls.

(3) Except for transparent glass required by this subsection, natural building materials are required for an exterior surface visible from park land adjacent to Town Lake.

(E) For a structure property adjacent to and oriented toward Riverside Drive, a building basewall is required, with a maximum height of:

- (1) 45 feet, if north of Riverside Drive; or
- (2) 35 feet, if south of Riverside Drive.

(F) That portion of a structure built above the basewall and oriented toward Riverside Drive must fit within an envelope delineated by a 70 degree angle starting at a line along the top of the basewall with the base of the angle being a horizontal plane extending from the line parallel to and away from the surface of Riverside Drive.

Source: Section 13-2-702(k); Ord. 990225-70; Ord. 031211-11.

**EAST RIVERSIDE PUD
COMPARISON CHART OF CURRENT ZONING AND PROPOSED PUD REQUIREMENTS**

Development Topic	Current Zoning (L)	Proposed PUD	Justification for PUD Superiority
Height	200 feet	96 feet	This restriction significantly reduces the allowable height and FAR on the property, and allows views for properties located to the south.
Secondary setback	50 feet landward from the primary setback line parallel to the Town Lake shoreline	50 feet landward from the primary setback line parallel to the Town Lake shoreline	Same
	130 feet from the primary setback line parallel to the East Bouldin Creek centerline	50 feet from the primary setback line parallel to the East Bouldin Creek centerline	Currently, there are impervious cover and uses constructed within the primary and secondary setback of East Bouldin Creek. The PUD proposes to remove impervious cover from the primary setback.
Secondary setback: height	N/A	35 feet	This provides a height restriction where there was not one previously.
Secondary setback: impervious cover	30 percent in the Town Lake secondary setback	50 percent; this may be exceeded for open space uses	Additional impervious cover within the secondary setback assists with offsetting the reduction in height provided.
	30 percent in the East Bouldin Creek secondary setback	100 percent	Additional impervious cover within the secondary setback assists with offsetting the reduction in height provided. The additional impervious cover does not deteriorate the view from Lady Bird Lake.
Uses	Specifies various permitted, not permitted, and conditional uses on the site	Allows for additional uses to be permitted	Creates greater flexibility to allow a mixed use development.
TIA requirement	There are two sites. Current code requires a TIA if land uses on either site exceed 2,000 trips per day over what is currently constructed.	The proposed PUD would require a TIA as part of a site plan, if land uses exceed 4,000 trips per day per on the combined sites.	Same
Parkland dedication	Current fee structure	1.5 acres of lakefront parkland shall be dedicated	Lakefront parkland will be dedicated.
Hike and bike trail	No requirement	Trail shall be constructed	Trail shall be constructed and extended along this property.
Minimum soil depth over an underground parking garage to not be considered impervious	Four feet	Three feet	Based on the soil at the site, there is no hydrologic difference between allowing three feet rather than four feet. This assists with providing all parking underground.
Commercial Design Standards	Applicable to site	Not applicable to site	The waterfront overlay has specific guidelines for construction and building requirements along Riverside Drive that differ from and contradict the Commercial Design Standards.

TERM SHEET APRIL 17, 2008

222 AND 300 RIVERSIDE DRIVE

L ZONING BASE DISTRICT REGULATIONS EXCEPT AS MODIFIED

- I. Maximum Height 96 feet with standard city measurements and exceptions (25-2-531 relating to elevator penthouses, mechanical equipment, parapet walls, etc) outside of secondary setback
35 feet within secondary setback
- II. Primary Setbacks
- | | |
|--------------|------------------------------------|
| Town Lake | 150 feet as per Waterfront Overlay |
| East Bouldin | 80 feet as per Waterfront Overlay |
| Riverside | 35 feet as per Waterfront Overlay |
- III. Secondary Setbacks
- | | |
|--------------|--|
| Town Lake | 50 feet as per Waterfront Overlay |
| East Bouldin | 50 feet as per 1986 Waterfront Overlay |
- IV. Development Regulations Within Setbacks
- A. Primary Setbacks
- 1) No development in Primary Setbacks except:
 - a) Park facilities and trails
 - b) Emergency access route if constructed of grass-crete or other natural surface. Must appear as lawn. Emergency access only – no routine use.
- B. Secondary Setbacks
- 1) Town Lake Secondary
 - a) Maximum building height 35 feet
 - b) Maximum building coverage 50%

c) Impervious Cover

Impervious cover in excess of building coverage is allowed to outdoor/park like uses. No underground parking is allowed in the area to be dedicated as parkland.

2) East Bouldin Secondary

- a) Maximum building height 35 feet
- b) Maximum building/impervious cover 100%

V. Compatibility Standards

Compatibility Standards related to height/setback and scale and clustering are waived.

VI. Uses

A. Permitted Uses

- 1) Condominium Residential
- 2) Multi-family
- 3) Art Gallery
- 4) Parks and Recreation Services
- 5) Cultural Services
- 6) Restaurant (General & Limited)
- 7) Cocktail Lounge
- 8) Professional Office
- 9) Medical Office
- 10) Administrative and Business Office
- 11) Personal Services
- 12) Hotel-Motel
- 13) General Retail
- 14) Food Sales
- 15) Financial Services
- 16) Electronic Testing

VII. Parkland Dedication

- A. Dedicate 1.5 acres of parkland upon certificate of occupancy of 1st building (1.5 acres included in gross site area)
- B. Construct trail from Statesman boundary to Riverside
- C. Dedication and trail satisfies all parkland fee requirements. An exact accounting of the parkland requirement and dedication will be provided during the PUD process according to current parkland ordinances.

VIII. Underground Parking

- A. No underground parking is permitted in dedicated parkland
- B. Underground parking with code required soil covering does not count as impervious cover

IX. Existing Pier/Dock

Maintenance and Use Agreement with the City to maintain the use. If retained, compliance with applicable ADA regulations is required and shall be the responsibility of CWS.

X. Emergency Access From Adjacent Access Easements Permitted

Emergency access (as well as primary access) is permitted on access easements through adjacent sites.

XI. Trees

A tree survey will be submitted during the PUD process. An arborist hired by CWS shall make an assessment of which trees can/should be saved or relocated during construction.

XII. Other

Implementation of these regulations to be accomplished through the PUD process.

FOR IMMEDIATE RELEASE

April 17, 2008

SaveTownLake.org, South River City Citizens and CWS Capital Partners, LLC announce today that after nearly two years of discussions, they have reached an agreement on a plan that could shape the future of the shores of Lady Bird Lake for years to come. Tom Cooke, one of the founders and Chairman of SaveTownLake.org says the plan for the properties owned by CWS on the lake includes generous setbacks from the shoreline and appropriate building heights as well as extension of the city's park and trail systems. "The revised plan illustrates responsible development along the shores of Lady Bird Lake. It is consistent with the mission statement of Save Town Lake, which is to protect and preserve Austin's most precious resource: Town Lake and the Town Lake Corridor. Save Town Lake strongly and publicly supports the revised plan" says Mr. Cooke.

Scott Hendler, President of SaveTownLake.org stated "CWS made responsible judgement on taking a long term view of development along the shores of Lady Bird Lake. They recognized the value of protecting the integrity of one of Austin's most precious resources – Town Lake and the Town Lake Corridor. This resource is enjoyed by all the citizens of Austin as well as our visitors. Its one of the unique characteristics that makes Austin Austin."

Greg Miller of CWS Capital Partners says "The revised plan achieves the objective of successful and responsible development while respecting and implementing the spirit and intent of the original Waterfront Overlay Ordinance. CWS appreciates and thanks Save Town Lake, South River City Citizens, the Town Lake Trail Foundation and all of the individuals that took part in the discussions for the last two years. Their input resulted in a project that will include additional parkland, extend the trail system, and will set a responsible standard for future development along the lake."

Representatives of South River City Citizens Group say "The revised plan protects our neighborhood by requiring appropriately scaled buildings along Riverside Drive while respecting the Waterfront Overlay Ordinance. Our neighborhood, as well as all of Austin, benefits from the new plan and we heartily endorse and support it."

The revised plan calls for the dedication of 1.5 acres of additional parkland, extension of the Hike and Bike Trail, the bulk of the buildings conforming to the original Waterfront Overlay setbacks from the shoreline of the lake, a maximum building height of 96 feet and the potential for a favorable mix of uses. As a result of the agreement, CWS will withdraw their current site plans and drop all of the appeals to the City Council on the original plan.

Richard T. Suttle, Jr., the attorney for CWS, says that the new plan will be filed with the City soon and will proceed through a public process that will include public hearings before the City Parks and Recreation Board, the Planning Commission and the City Council.

All of the parties are hopeful that the new plan will receive a favorable review and approval by the various boards and commissions and the City Council.

For questions and further information, contact:

SaveTownLake.org

Jeff Jack
SAVE TOWN LAKE.ORG
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South River City Citizens (SRCC)

Joe Arroyo, Co-President
Jean Mathis, Co-President

CWS Capital Partners

Craig Miller

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MEMORANDUM

TO: Dave Anderson, Chair, and Environmental Board Members

FROM: Victoria J. Li, Director
Watershed Protection and Development Review Department

DATE: August 7, 2008

SUBJECT: Rosewood Dumpsite Project

This memo is to provide information regarding remediation of a dumpsite in the Rosewood neighborhood area. (see attached map). Information was requested by Environmental Board Member, Rodney Ahart.

The dumpsite was discovered when a bulky trash and debris cleanup was performed on City property in the Homewood Heights neighborhood in the spring of 2007. City staff found items on the property that indicated an old dumpsite existed in the area. The site was fenced and signs posted to discourage public access. The neighborhood was notified of initial findings via public notices and presentations at neighborhood association meetings. A Core Project Team was formed from staff from the Solid Waste Services Department, the Watershed Protection and Development Review Department and the Health and Human Services Department to guide an environmental assessment and possible remediation. A consultant was obtained to perform an assessment, and conduct a tree and wetland survey of the City property.

The assessment included collecting and analyzing soil samples, trenching, and soil borings. Sample results indicate elevated levels of several chemicals of concern including lead, arsenic and pesticides. The initial assessment revealed the waste material was dispersed and buried on City property with the possibility that the dumpsite boundaries may extend onto surrounding private properties. The property owners were contacted to gain access for further testing.

This assessment confirmed the boundaries extended onto some of the adjacent private properties. Thirteen properties were found to be affected by burned waste material and eleven by inert construction/demolition type debris. Soil samples from two properties revealed elevated levels of lead and the pesticide, DDT. Due to the potential for waste material to migrate from private property onto City property, the remediation plan will include cleanup of both public and affected adjacent private property.

Letters were sent in July to the adjacent residents with the assessment findings, including results of soil borings and soil samples. Staff plans to conduct an open public meeting in mid-September to discuss the assessment and plans for remediation with the neighborhood. The City has obtained a consultant who is reviewing the assessment reports and will be designing a remediation plan and developing bid specifications for a remediation contractor.

We anticipate remediation work to begin in 2009 once the remediation plan is finalized, a remediation contractor is chosen and the necessary permits secured. We will continue to keep you updated as the project progresses. Questions or concerns can be directed to the project coordinator, Oscar Garza, at 974-1893.



Victoria J. Li, Director

Watershed Protection and Development Review Department

Cc: Willie Rhodes, Director, SWS
Nancy McClintock, Assistant Director, WPDRD
Pat Murphy, Assistant Director, WPDRD
Tom Ennis, Division Manager, WPDRD
Sharon Cooper, Environmental/Conservation Program Manager, WPDRD



Homewood Heights Neighborhood

- Site Assessment Area
- TCAD Parcels
- Streets
- Major Roads



This map has been produced by the Watershed Protection and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.